

WEDNESDAY, JANUARY 11, 2023, AT 10:00A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

BRUNOBUILT, INC., an Idaho corporation,)	
)	
Plaintiff-Appellant,)	
)	
v.)	Docket No. 49176
)	
BRIGGS ENGINEERING, INC., an Idaho)	
corporation; DEAN W. BRIGGS,)	
)	
Defendants-Respondents,)	
)	
and)	
)	
MATERIALS TESTING & INSPECTION,)	
LLC, an Idaho limited liability company;)	
KEVIN L. SCHROEDER, CHARLES E.)	
KAISER, ELIZABETH BROWN, DAVID O.)	
CRAM, ERSTAD ARCHITECTS, PA, an)	
Idaho professional service corporation;)	
ANDREW C. ERSTAD, CHERYL PEARSE,)	
TREASURE VALLEY ENGINEERS, INC.,)	
an Idaho corporation; MATRIX)	
ENGINEERING, INC., an Idaho)	
corporation; DOUGLAS L. UNGER,)	
KLEINFELDER, INC., a California)	
corporation; and G. ALEXANDER RUSH,)	
)	
Defendants.)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Steven J. Hippler, District Judge.

McConnell Wagner Sykes & Stacey, PLLC, Boise, for Appellant.

Cummings Law Offices, Boise, for Respondents.

This case arises from landslide damage to a residential construction project in the Terra Nativa subdivision of the foothills northeast of Boise, Idaho. BrunoBuilt, Inc., was building a custom home on a vacant lot in 2016 when a landslide occurred beneath the developing subdivision. Soil cracking and a landslide scarp soon became visible in the lot, and the utilities had to be moved. The same year, BrunoBuilt filed a professional negligence suit against

numerous engineers and engineering firms involved in the construction of the Terra Nativa subdivision, arguing they failed to identify preexisting landslide conditions and other circumstances that made residential development unsafe.

Over two years later, in the fall of 2018, BrunoBuilt discovered damage to the custom home. BrunoBuilt then amended its complaint to bring suit against additional defendants, including Briggs Engineering, Inc. Briggs Engineering filed a motion for summary judgment, which the district court granted on concluding that BrunoBuilt's action was time barred by the two-year statute of limitations under Idaho Code section 5-219(4). BrunoBuilt appeals this decision. It argues that the malpractice claim did not begin to accrue until there was damage to separate property, *i.e.* the custom home, rather than the land.